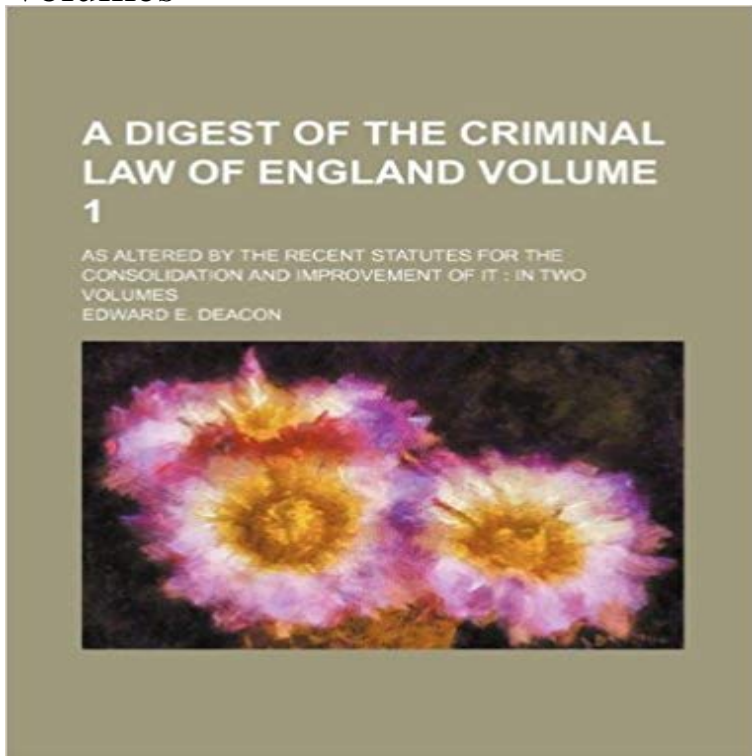


# A digest of the criminal law of England Volume 1 ; as altered by the recent statutes for the consolidation and improvement of it: in two volumes



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1831 Excerpt: ...may (without any warrant of distress) proceed in like manner, as if a warrant of distress had been issued and nulla bona returned; and the justice may issue his warrant to commit the offender for any term not exceeding three calendar months, unless the penalty and the costs be sooner paid. The amount of such costs, however, must be specified in the warrant of commitment. And see ante, Commitment, 10. By section 3., if the offender after committal shall pay the penalty and the costs to the keeper of the prison, the keeper is required to discharge him. 11. By section 4-., where the recovery of the penalty, by distress and sale of the offenders goods, may appear to the justice to be attended with consequences ruinous or injurious to the offender and his family; the justice is empowered not to issue any warrant of distress; but to commit the offender immediately after conviction, in default of payment of the penalty and costs, for such time and in such manner as is specified in any act imposing the penalty; provided such commitment is with the consent in writing of the party, upon whose property the penalty is to be levied. Pound-breach. 12. The forcibly rescuing goods distrained, and the rescuing cattle by breach of the pound in which they are placed, have Commitment in lieu of dis been considered as offences at common law, as being in breach of the peace; and may be made the subject of indictment. And though the goods are the partys own property, yet if he retake them in that manner, he will be guilty. Anon. 3 Sulk. 187. 1 Rust. 70. 523. 13. It has been doubted, however, whether a pound-breach (unaccompanied by circumstances of violence amounting to a breach of the

peace) is, in strictness of law, an indictable offence. 3 Burr. 1701. 1731. On the other hand...

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